

EASTERN DISTRICT OF TEXAS


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CIVIL ACTION NO. 1:15-CV-379

Pending before the court is Magistrate Judge Keith Giblin's Report and Recommendation (#223) on Defendants Cory Crenshaw's ("Crenshaw") Rule 12(b)(6) Motion to Dismiss Plaintiffs' Third Amended Petition (#96), Malcolm Bales's ("Bales") Motion to Dismiss Plaintiffs' Third Amended Complaint (#104), and Crenshaw's Rule 12(b)(6) Motion to Dismiss Plaintiff's First Amended Petition (#201). The court referred this matter to United States Magistrate Judge Keith F. Giblin for consideration and recommended disposition of case-dispositive pretrial motions (#55). On April 21, 2016, Judge Giblin issued the instant report and recommendation, in which he recommended that the court grant Crenshaw's and Bales's motions on the grounds that both defendants were entitled to prosecutorial immunity and Bales was entitled to official immunity under 28 U.S.C. § 2679. No objections have been filed, and the time for parties to do so has expired. 28 U.S.C. § 636(b)(1). The court has reviewed the magistrate judge's findings, the record, the pleadings, and the applicable law in this proceeding. After review, the court finds that Judge Giblin's findings should be accepted.

Therefore, the court ORDERS that Judge Giblin's Report and Recommendation (#223) is ADOPTED in its entirety. The court further ORDERS that Crenshaw's Motion to Dismiss Plaintiffs' Third Amended Petition (#96), Bales's Motion to Dismiss Plaintiffs' Third Amended Complaint for Lack of Subject Matter Jurisdiction and Failure to State a Claim (#104), and Crenshaw's Rule 12(b)(6) Motion to Dismiss Plaintiff's First Amended Petition (#201) are GRANTED for the reasons set out in Judge Giblin's Report and Recommendation. Accordingly, all of Plaintiffs' claims against Crenshaw and Bales are DISMISSED in their entirety, with prejudice.

SIGNED at Beaumont, Texas, this 12th day of May, 2016.

A handwritten signature in cursive script, reading "Marcia A. Crone".

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE